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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,247	07/11/2003	Andrew R. Lowry	030354	4611
26285 7590 06/25/2008 KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP 535 SMITHFIELD STREET PITTSBURGH, PA 15222				
EXAMINER				
ULLAH MASUD, MOHAMMAD R				
ART UNIT		PAPER NUMBER		
4176				
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06/25/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/618,247

**Applicant(s)**

LOWRY ET AL.

**Examiner**

MOHAMMAD R. ULLAH MASUD

**Art Unit**

4176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 4/21/08 (Election).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 24-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S5108)  
Paper No(s)/Mail Date 20050104
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Invention I (Claims 1-23) in the reply filed on April 21, 2008 is hereby acknowledged.
2. Claims 24-38 are hereby withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 21, 2008.

### *Claim Rejections - 35 USC § 101*

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-23 are rejected under 35 U.S.C. 101 based on Supreme Court precedent, and recent Federal Circuit decisions, the Office's guidance to examiners is that a § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780,787-88 (1876).

3. An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a § 101 statutory process, the claim should positively recite the other statutory class (the thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

Here, applicant's method steps, fail the first prong of the new Federal Circuit decision since they are not tied to another statutory class and can be preformed without the use of a particular apparatus. Thus, claims 1-23 are non-statutory since they may be preformed within the human mind.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-23 are rejected under 35 U.S.C. 102(a) as being anticipated by Hoffman et al. (US 2002/0111891).

With respect to **Claim 1**, Hoffman et al. discloses a similar method for operating on data representing an account, the method comprising:

setting an activity date for an activity having an accounting impact (see, for example, paragraph [0013] line 1-8);

determining a balance value corresponding to net sum of activity for the activity date (see, for example, paragraph [0050] line 1-8);

setting an accounting impact date corresponding to latest accounting impact date among all journals affecting the balance value (see, for example, paragraph [0076]);

setting a journal activity date corresponding to latest processing among all journals affecting the balance value (see, for example, paragraph [0086] line 7-17); and

posting an activity record representing account activity (see, for example, paragraph [0050] line 1-8).

With respect to **Claim 2**, Hoffman et al. discloses a similar method, further comprising setting an adjustment value corresponding to sum of activity for the activity date to be applied on subsequent processing dates (see, for example, paragraph [0076]).

With respect to **Claim 3**, Hoffman et al. discloses a similar method, further comprising setting a compensating value corresponding to negative sum of activity for

prior processing dates applied on the activity date (see, for example, paragraph [0077] line 1-13).

With respect to **Claim 4**, Hoffman et al. discloses a similar method, further comprising setting an adjustment accounting impact date corresponding to latest accounting impact date among all journals affecting the adjustment value (see, for example, paragraph [0086] line 7-17).

With respect to **Claim 5**, Hoffman et al. discloses a similar method, wherein the activity record is posted to a specific period (see, for example, paragraph [0098] line 1-12).

With respect to **Claim 6**, Hoffman et al. discloses a similar method, further comprising obtaining an as-on value for the account for a given date (see, for example, paragraph [0122] line 17-20 and claim 1).

With respect to **Claim 7**, Hoffman et al. discloses a similar method, wherein obtaining the as-on value comprises summing balance values for all dates up to and including the given date (see, for example, paragraph [0054] line 1-4; paragraph [0086] line 1-7 and paragraph [0122] line 17-20).

With respect to **Claim 8**, Hoffman et al. discloses a similar method, further comprising obtaining latest journal accounting impact date (see, for example, paragraph [0116] line 1-5).

With respect to **Claim 9**, Hoffman et al. discloses a similar method, further comprising obtaining latest journal activity date (see, for example, paragraph [0116] line 1-5).

With respect to **Claim 10**, Hoffman et al. discloses a similar method, wherein the as-on value is obtained for a specific period (see, for example, paragraph [0086]).

With respect to **Claim 11**, Hoffman et al. discloses a similar method, further comprising obtaining an as-of value for the account for a given date (see, for example, paragraph [0046] line 14-25; paragraph [0076]).

With respect to **Claim 12**, Hoffman et al. discloses a similar method, wherein obtaining the as-of value comprises summing balance values, adjustment values, and compensating values for all dates up to and including the given date (see, for example, paragraph [0046] line 14-25; paragraph [0076]).

With respect to **Claim 13**, Hoffman et al. discloses a similar method, further comprising obtaining latest journal accounting impact date (see, for example, paragraph [0046] line 14-25; paragraph [0076]).

With respect to **Claim 14**, Hoffman et al. discloses a similar method, further comprising obtaining latest journal activity date (see, for example, paragraph [0046] line 14-25; paragraph [0076]).

With respect to **Claim 15**, Hoffman et al. discloses a similar method, wherein the as-of value is obtained for a specific period (see, for example, paragraph [0076]).

With respect to **Claim 16**, Hoffman et al. discloses a similar method, further comprising obtaining total adjustments for the account for a given date by summing adjustment values for all dates up to and including the given date (see, for example, paragraph [0086]).

With respect to **Claim 17**, Hoffman et al. discloses a similar method, further comprising obtaining net adjustments for the account for a given date by summing adjustment values and compensating values for all dates up to and including the given date (see, for example, paragraph [0076] and paragraph [0077]).

With respect to **Claim 18**, Hoffman et al. discloses a similar method, further comprising archiving activity records according to a retention schedule (see, for example paragraph [0011] line 1-9 and line 27-30).

With respect to **Claim 19**, Hoffman et al. discloses a similar method, wherein archiving comprises creating one or more gap records for assuming values from one or more activity records (see, for example, paragraph [0013] and [0049]).

With respect to **Claim 20**, Hoffman et al. discloses a similar method, wherein archiving comprises merging one or more consecutive gap records (see, for example, paragraph [0072] line 15-30).

With respect to **Claim 21**, Hoffman et al. discloses a similar method, wherein archiving comprises creating a new activity record having an activity date equal to the earliest date in the retention schedule that follows a date of the gap record (see, for example, paragraph [0072] line 15-30).



With respect to **Claim 22**, Hoffman et al. discloses a similar method, wherein the new activity record comprises a balance value of zero (see, for example paragraph [0017] and [0167]).

With respect to **Claim 23**, Hoffman et al. discloses a similar method, wherein the retention schedule comprises one or more of a required number of days for maintaining activity records, a required number of months for maintaining activity records, and a required number of years for maintaining activity records (see, for example, paragraph [0105]).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD R. ULLAH MASUD whose telephone number is (571) 270-5390. The examiner can normally be reached on MONDAY TO THURSDAY 7.30AM TO 5PM (EASTERN TIME).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JERRY O'CONNOR can be reached on (571) 272-6787. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

/M. R. U./  
Examiner, Art Unit 4176  
June 17, 2008

/Gerald J. O'Connor/  
Supervisory Patent Examiner  
Group Art Unit 4176